

Sec. 28. (a) None of the provisions of Title 80 of the Revised Civil statutes, 1925, or of Title 2, Chapter 7 of the Penal Code, shall have application to the manufacture, sale, possession, distribution, advertisement or transportation of vinous or malt beverages as herein defined in those counties or political subdivisions thereof wherein the manufacture, sale, possession, distribution, advertisement and transportation of such beverages are legalized under the terms of this Act.

(b) Nothing contained in this Act shall be construed as authorizing or permitting the sale, manufacture, transportation or possession for sale of spiritous liquors or medicated bitters capable of producing intoxication in any county in this State regardless of whether or not the sale, manufacture, transportation or possession for sale of beer as defined in this Act has been permitted and nothing herein contained shall be construed as preventing the enforcement of all laws now in force, or which may hereafter be in force, regulating or prohibiting the sale of such spiritous liquors or medicated bitters in this State.

(c) This Act shall take effect and become a law on September 15, 1933. If the complete returns of the Texas Election Bureau, however, show that H. J. R. No. 43 of the Forty-third Legislature has been adopted by the people by a majority of not less than 20,000 votes, then in that event the officers charged with the duty of engraving or having engraved said stamps shall begin immediately to do so and may distribute the same for use when under the laws of this State the same may be required, and the Comptroller shall also begin to discharge those duties incumbent on him on such date.

(d) If, however, H. J. R. No. 43 of the Forty-third Legislature shall not have been adopted as an amendment to the Constitution of the State of Texas, then, and in that event, this Act shall no longer be effective.

(e) If any section, paragraph, sentence or phrase of this Act be invalid, then such invalid portion shall not in any way affect the remainder of this Act, and it is hereby declared as the legislative intent that the remainder of this Act would have been

passed by the Legislature, notwithstanding the invalidity of such section, paragraph, sentence or phrase.

Sec. 29. The fact that the Congress of the United States has heretofore legalized the sale of beer containing three and two-tenths (3.2%) per centum of alcohol by weight; the fact that most States of the Union and several States immediately adjacent to the State of Texas have authorized the sale of beer; the fact that a widespread demand of the people has required the submission by the Legislature of Texas of the question of legalization of 3.2% beer to the people through a Constitutional amendment, and there is now pending and will be enacted by this Legislature H. J. R. No. 43, so submitting the question of legalization of three and two-tenths (3.2%) per cent beer; the fact that if such proposed Constitutional amendment is adopted the sale of and traffic in beer will be entirely unlicensed and unregulated unless proper machinery for the licensing and taxing of such industry is provided by the present session of the Legislature, thus avoiding the necessity and expense of a Special Session of the Legislature; and the fact that there now appears evident a large deficit in the general revenue fund and school funds of the State which may be relieved by the revenues to accrue under the terms of this Act, creates an imperative public necessity that the Constitutional rule requiring bills to be read on three several days be suspended and said rule is so suspended, and this Act shall take effect and be in force from and after the time provided for in Section 28, subsection (c) hereof, and it is so enacted.

SIXTY-THIRD DAY.

Senate Chamber,
Austin, Texas,
April 25, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Blackert.	Duggan.
Collie.	Fellbaum.
DeBerry.	Greer.

Holbrook.	Poage.
Hopkins.	Purl.
Hornsby.	Rawlings.
Martin.	Redditt.
Moore.	Regan.
Murphy.	Russek.
Neal.	Sanderford.
Oneal.	Stone.
Pace.	Woodruff.
Parr.	Woodward.
Patton.	

Absent—Excused.

Beck.	Small.
Cousins.	Woodul.

Prayer by the Rev. R. L. Jackson, student pastor of the A. and M. Methodist Church, College Station, Texas.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By unanimous consent, the rule relating to the introduction of general bills after the first 52 days of the session was suspended and consent was granted to introduce the following bills:

By Senator Hornsby:

S. B. No. 531, A bill to be entitled "An Act amending Article 6674-n, Revised Civil Statutes of 1925, as amended by Chapter 10, Acts of the Third Called Session of the Forty-first Legislature, and Chapter 79, Acts of the Fifth Called Session of the Forty-first Legislature, so as to authorize the State Highway Commission or the commissioners court to condemn land not more than one hundred feet in width for stream-bed diversion in connection with the locating, relocating, or construction of a designated state highway; and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Small:

S. B. No. 532, A bill to be entitled "An Act authorizing the Texas State Parks Board to improve, beautify and equip their several state parks, and in payment thereof, or to secure funds therefor, to issue evidences of

indebtedness secured by the rents, revenues and incomes from such improvements and/or other fees, rents or revenues from any source other than appropriations made by the State Legislature; providing that the said Board may make concession contracts; providing that projects financed in accordance with this Act shall be deemed self-liquidating in character; providing that nothing herein shall be construed as creating a debt against the State of Texas, and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Rawlings:

S. B. No. 533, A bill to be entitled "An Act to amend Subsection 5, of Section 12, of House Bill No. 3, passed at the Regular Session of the Forty-third Legislature, and declaring an emergency."

Read and referred to Committee on State Highways and Motor Traffic.

By Senator Sanderford:

S. B. No. 534, A bill to be entitled "An Act providing for rural school supervisors in certain counties, in lieu of teachers' institutes; prescribing the duties of said supervisors; prescribing the salaries of said supervisors and how it shall be paid; prescribing other things incidental to said purpose and declaring an emergency."

Read and referred to Committee on Educational Affairs.

By Senators Beck, Purl, Moore:

S. B. No. 535, A bill to be entitled "An Act amending Article 6166, of the Revised Civil Statutes of Texas, 1925, as amended by the Acts of the Fortieth Legislature, Regular Session, 1927, by adding thereto a new section; relating to the removal of prisoners to the penitentiary; and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senators Beck, Purl, Moore:

S. B. No. 536, A bill to be entitled "An Act amending Section 1, Article 1029, of the Texas Code of Criminal Procedure, relating to fees of sheriff or constable; and declaring an emergency."

Read and referred to Committee on Criminal Jurisprudence.

Petitions Referred.

The Chair laid before the Senate certain petitions relative to brewery interests' activities and referred them to the Committee on Civil Jurisprudence.

Senators Excused.

The following Senators were excused for the day:

Senator Beck, illness, on motion of Senator Redditt.

Senators Cousins, Fellbaum, and Woodul, important business, on motion of Senator Hornsby.

Bill Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

S. B. No. 526.

Motion to Appoint Committee.

Senator Woodruff sent up the following written motion:

Mr. President, I move that the Chair appoint a committee of five members of the Senate to inquire into the reported assault upon a member of the House by persons not members of the Legislature, for remarks made by said member in the course of House debate, and that such committee report back to the Senate recommendations for such further action, if any, as the facts warrant being taken by the Senate in the premises.

WOODRUFF.

The motion was read.

Senator Purl sent up the following amendment:

Amend motion by adding a new paragraph to read as follows:

Said committee shall have all the powers now given district judges of this State to compel attendance of witnesses and records and said committee is empowered to inspect records and books and correspondence and investigate the activities of oil companies in politics and legislation of the State of Texas.

PURL.

Read and adopted.

Senator Purl sent up the following amendment:

Amend motion by adding the following:

All sessions of said committee shall be held in public unless the Senate otherwise directs.

PURL.

Read and adopted.

Senator Purl sent up the following amendment:

Record of all proceedings of investigations shall be reduced to writing by stenographer's transcript and said committee is authorized to employ competent court reporters for that purpose, on a basis the same as agreed to by the Senate for reporting the recent Highway investigation.

PURL.

Read and adopted.

Senator Purl sent up the following amendment:

Add new section as follows:

All necessary expenses incident to the conduct of this investigation shall be paid out of the contingent fund of the Forty-third Legislature.

PURL.

Read and adopted.

The motion as amended was adopted.

The Chair appointed the following on the part of the Senate:

Woodruff, Moore, Martin, Patton, and Redditt.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, April 25, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 213, A bill to be entitled "An Act providing that the administrative control of the State of Texas over all matters pertaining to the production, transportation by pipe line and storage of crude oil petroleum, and the production, transportation and regulation of rates and charges for distributing buying, selling, and delivering natural gas be vested in the Natural Resource Commission of the State of Texas; creating said Natural Resource Commission of the State of Texas to consist of three persons, etc., and declaring an emergency."

(With engrossed rider.)

H. B. No. 166, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of certain educational institutions and other expenses of maintaining and conducting them as follows, etc., and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bills Referred.

H. B. No. 213, referred to Committee on State Affairs.

H. B. No. 166, referred to Committee on Finance.

Senate Simple Resolution No. 93.

Senator Moore sent up the following resolution:

Whereas, Attention of the Senate has been called to the attack on our fellow colleague, Honorable Gordon Burns, member of the House of Representatives from Huntsville, and

Whereas, We deplore the brutal attack on Mr. Burns and pledge our faith in the young man, in his sterling worth, his wholesome purposes and his fearless defense of the rights of the people, and pray for his speedy recovery, and

Whereas, We bespeak for Mr. Burns the commendation and the earnest solicitude of the entire Senate of Texas; be it therefore

Resolved, That a copy of this resolution be enrolled and furnished Mr. Burns, and that he be sent flowers to be paid for individually by members of the Senate.

MOORE,	NEAL,
PATTON,	ONEAL,
RAWLINGS,	PACE,
BECK,	PARR,
BLACKERT,	POAGE,
COLLIE,	PURL,
COUSINS,	REDDITT,
DeBERRY,	REGAN,
DUGGAN,	RUSSEK,
FELLBAUM,	SANDERFORD,
GREER,	SMALL,
HOLBROOK,	STONE,
HOPKINS,	WOODRUFF,
HORNSBY,	WOODUL,
MARTIN,	WOODWARD,
MURPHY,	LT. GOV. WITT.

Read and adopted unanimously.

H. J. R. No. 14.

The Chair laid before the Senate on its third reading the following resolution:

H. J. R. No. 14, Proposing an amendment to Article V, of the Constitution of the State of Texas, by adding a new section thereto with four lettered subdivisions, providing for the abolishment of the fee method of compensating county and precinct officers, and providing that all such officers be paid on a salaries basis, and providing for the payment of all fees into the county treasury; and conferring upon commissioners court general management and control of county affairs; and providing for the appointment of certain officers by the commissioners court, and the combining of any such offices, etc.; repealing all provisions of the Constitution in conflict therewith; and providing for an election upon such proposed constitutional amendment, and making an appropriation therefor.

Read third time.

Senator Duggan sent up the following amendments:

Amend H. J. R. No. 14, page 3, lines 7, 8 and 9, by striking out:

"Abolishing the fee system of compensating all district officers and all county officers in counties having a population of twenty thousand (20,000) or more, and"

DUGGAN.

Read and adopted by unanimous consent.

Amend H. J. R. No. 14, page 1, line 52, by striking out the figure six (6) and inserting the figure (5).

Amend H. J. R. No. 14, page 2, line 9, by changing the letter (b) to (a); line 17, by changing the letter (c) to (b); line 35, by changing (d) to (c); line 46, by changing (e) to (d); line 50, by changing (f) to (e).

DUGGAN.

Read and adopted by unanimous consent.

The resolution as amended was finally passed by the following vote:

Yeas—27.

Blackert.	Greer.
Collie.	Holbrook.
DeBerry.	Hopkins.
Duggan.	Hornsby.
Fellbaum.	Martin.

Moore.	Rawlings.
Murphy.	Redditt.
Neal.	Regan.
Oneal.	Russek.
Pace.	Sanderford.
Parr.	Stone.
Patton.	Woodruff.
Poage.	Woodward.
Purl.	

Absent—Excused.

Beck.	Small.
Cousins.	Woodul.

S. J. R. No. 7.

The Chair laid before the Senate on its third reading the following resolution:

By Senator Woodul:

S. J. R. No. 7, Proposing an amendment to Article IX of the Constitution of the State of Texas so as to authorize counties having cities of a population in excess of 200,000 inhabitants to adopt suitable charters providing for the government of such county, city and any or all governmental districts, municipal or quasi-municipal, within such county, subject to such limitations as may be prescribed by the Legislature; providing for an election upon such proposed constitutional amendment, and making an appropriation therefor.

Read third time and finally passed by the following vote:

Yeas—27.

Blackert.	Pace.
Collie.	Parr.
DeBerry.	Patton.
Duggan.	Poage.
Fellbaum.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Beck.	Small.
Cousins.	Woodul.

S. J. R. No. 16.

The Chair laid before the Senate on its second reading the following resolution:

By Senator Oneal:

S. J. R. No. 16, A joint resolution Proposing amendment to Section 1 of Article 8 of the Constitution of the State of Texas.

Providing that taxation of real property shall be equal and uniform; and all property whether owned by natural persons or corporations, other than municipal, shall be taxed in proportion to its value as may be ascertained as provided by law; that the Legislature may make reasonable classification of all property other than real property for the purpose of taxation; providing that the taxation of property in any class shall be equal and uniform; and providing that the Legislature may impose a poll tax and may impose an occupation tax on natural persons and corporations other than municipal, doing business in this State; that it may tax incomes of both natural persons and corporations, other than municipal, except that persons engaged in mechanical and agricultural pursuits shall never be required to pay an occupation tax; exempting two hundred and fifty (\$250.00) dollars worth of household and kitchen furniture belonging to each family in this State; and providing further that the occupation tax levied by any county, city or town for any year on persons or corporations pursuing any profession or business shall not exceed one-half of the tax levied by the State for the same period.

Read second time and passed to engrossment by the following vote:

Yeas—27.

Blackert.	Pace.
Collie.	Parr.
DeBerry.	Patton.
Duggan.	Poage.
Fellbaum.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Beck.	Small.
Cousins.	Woodul.

H. J. R. No. 32.

The Chair laid before the Senate on its second reading the following resolution:

H. J. R. No. 32, Proposing an amendment to Section 1-a, Article VIII, of the Constitution of the State of Texas, exempting three thousand (\$3,000.00) dollars of the assessed value of all residence homesteads, as now defined by law, from all taxation for all State purposes, excepting until the expiration of such remission period, or the need of such remission, that portion of the State ad valorem taxes remitted within certain counties and political subdivisions now receiving a remission of such taxes; providing for submission of same to the qualified electors of the State; providing for the necessary proclamation and making an appropriation to defray the expenses of the proclamation, publication, and election.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the resolution be not printed was adopted by unanimous consent.

The resolution was read second time and passed to third reading.

Senate Bill No. 246.

The Chair laid before the Senate as pending business, the following bill:

By Senators Small and Parr:

S. B. No. 246, A bill to be entitled "An Act to amend Article 5368, Revised Civil Statutes of Texas of 1925, so as to constitute the owner of the soil the agent of the State to institute and prosecute in his own name any suit or suits to set aside for fraud or other illegality or invalidity any sale or lease to any person, firm or corporation of the oil, gas or other minerals, on or under any such land, and to validate all suits, heretofore brought, for such purposes by the owner of the soil and authorize the continued prosecution to final judgment of any such suits in the name of said owner and to make the said judgments rendered in said causes binding upon the State, and declaring an emergency."

The question recurred upon the pending amendment by Senator Regan.

Senator Regan added to the amendment the word "agreed" between the words "no" and "judgment."

Senator Regan withdrew the amendment.

The bill was passed to engrossment by the following vote:

Yeas—12.

Blackert.	Parr.
Hopkins.	Patton.
Hornsby.	Redditt.
Martin.	Regan.
Neal.	Sanderford.
Pace.	Stone.

Nays—8.

DeBerry.	Oneal.
Greer.	Purl.
Holbrook.	Woodruff.
Moore.	Woodward.

Absent—Excused.

Cousins.	Small.
Fellbaum.	

(Pairs Recorded.)

Senator Collie (present) who would vote nay, with Senator Dugan (absent) who would vote yea.

Senator Murphy (present) who would vote nay, with Senator Russek (absent) who would vote yea.

Senator Poage (present) who would vote nay, with Senator Beck (absent) who would vote yea.

Senator Rawlings (present) who would vote nay, with Senator Woodul (absent) who would vote yea.

The motion of Senator Parr to suspend the constitutional rule requiring bills to be read on three several days was lost by the following vote:

Yeas—18.

Blackert.	Pace.
Collie.	Parr.
Hopkins.	Patton.
Hornsby.	Poage.
Martin.	Purl.
Moore.	Regan.
Murphy.	Sanderford.
Neal.	Stone.
Oneal.	Woodward.

Nays—5.

DeBerry.	Rawlings.
Greer.	Woodruff.
Holbrook.	

Absent.

Duggan. Russek.
Redditt.

Absent—Excused.

Beck. Small.
Cousins. Woodul.
Fellbaum.

Recess.

On motion of Senator Purl, the Senate, at 12:19 o'clock p. m., recessed until 2 o'clock p. m.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Miss DeZavala Presented.

The Chair introduced Miss Adina De Zavala, who briefly addressed the Senate.

Senate Bill No. 10.

Senator Holbrook called up from the table S. B. No. 10.

The Chair substituted for S. B. No. 10 the following House bill on the same subject:

By Mr. Bedford:

H. B. No. 71, A bill to be entitled "An Act to amend Article 1302, of the Revised Civil Statutes of Texas of 1925, by adding thereto a subdivision to be known as No. 95, to read as follows: 'Subdivision 95. Corporations may be created for, or after being created, charters may be amended to include the construction, maintenance, and operation of radio broadcasting equipment and stations,' and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 71 was put on its third reading and final passage by the following vote:

Yeas—26.

Blackert. DeBerry.
Collie. Duggan.

Greer. Patton.
Holbrook. Poage.
Hopkins. Purl.
Hornsby. Redditt.
Martin. Regan.
Moore. Russek.
Murphy. Sanderford.
Neal. Small.
Oneal. Stone.
Pace. Woodruff.
Parr. Woodward.

Absent.

Rawlings.

Absent—Excused.

Beck. Fellbaum.
Cousins. Woodul.

Read third time and finally passed by the following vote:

Yeas—24.

Blackert. Patton.
Duggan. Poage.
Greer. Purl.
Holbrook. Rawlings.
Hopkins. Redditt.
Hornsby. Regan.
Martin. Russek.
Moore. Sanderford.
Murphy. Small.
Neal. Stone.
Pace. Woodruff.
Parr. Woodward.

Present—Not Voting.

Collie. DeBerry.

Absent—Excused.

Beck. Oneal.
Cousins. Woodul.
Fellbaum.

On motion of Senator Holbrook, S. B. No. 10 was indefinitely postponed.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, April 25, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 578, A bill to be entitled "An Act defining certain words, terms, and phrases for the purposes of this Act; providing and imposing an occupation tax on sales in intrastate commerce in this State, of cig-

arettes, according to their weight; providing that the payment of such tax shall be evidenced by stamps furnished by the State Treasurer; authorizing and requiring the Treasurer to design and have printed or manufactured, such stamps; requiring such stamps to be affixed on each individual package of cigarettes; providing that such stamps shall be supplied by the Treasurer to all licensed dealers, at a discount, when purchased in certain quantities; etc.; and declaring an emergency."

H. B. No. 710, A bill to be entitled "An Act providing chattel mortgages, given as security for money advanced to purchase motor vehicles, when registered as required by law, will be superior to the claim of other creditors, though the motor vehicle may be exposed for sale, and declaring an emergency."

S. B. No. 526, A bill to be entitled "An Act providing that when the county depository of any county having a population of not less than 43,100 and not more than 43,200 according to the next preceding Federal census has pledged securities in lieu of a personal or surety bond to secure the county funds of such county, and it becomes necessary for the county to take over such pledged securities, it shall be lawful for such counties to accept such securities so pledged and to credit the depository bank with the amount thereof and to charge said depository bank with the total amount of county funds then on deposit in said county depository, etc., and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bills Referred.

H. B. No. 710 referred to Committee on Civil Jurisprudence.

H. B. No. 578 referred to Committee on State Affairs.

Senate Bill No. 32.

The Chair laid before the Senate on its third reading the following bill:

By Senator DeBerry:

S. B. No. 32, A bill to be entitled "An Act amending Chapter 273, page 411, section 1, Acts of the Fortieth Legislature, 1927, Regular Session, relating to salaries of Judges

of the Supreme Court, Judges of the Court of Criminal Appeals, Judges of the Commission of Appeals, Judges of the Commission in Aid of Judges of Court of Criminal Appeals, Judges of the several Courts of Civil Appeals, judges of the district and/or criminal district courts; and declaring an emergency."

Read third time and finally passed by the following vote:

Yeas—11.

Collie.	Murphy.
DeBerry.	Patton.
Duggan.	Poage.
Holbrook.	Redditt.
Hornsby.	Sanderford.
Moore.	

Nays—9.

Greer.	Purl.
Hopkins.	Russek.
Martin.	Stone.
Pace.	Woodward.
Parr.	

Present—Not Voting.

Blackert.

Absent.

Neal.	Regan.
Oneal.	Small.
Rawlings.	Woodruff.

Absent—Excused.

Beck.	Fellbaum.
Cousins.	Woodul.

Senate Bill No. 531.

The Chair laid before the Senate by unanimous consent, the following bill:

By Senator Hornsby:

S. B. No. 531, A bill to be entitled "An Act amending Article 6674-n, Revised Civil Statutes of 1925, as amended, etc., so as to authorize the State Highway Commission or the commissioners court to condemn land not more than one hundred feet in width for stream-bed diversion in connection with the locating, re-locating or construction of a designated State highway; and declaring an emergency."

On motion of Senator Hornsby, the constitutional rule requiring bills to be read on three several days was.

suspended and S. B. No. 531 was put on its second reading by the following vote:

Yeas—26.

Blackert.	Parr.
Collie.	Patton.
Duggan.	Poage.
Greer.	Purl.
Holbrook.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Regan.
Martin.	Russek.
Moore.	Sanderford.
Murphy.	Small.
Neal.	Stone.
Oneal.	Woodruff.
Pace.	Woodward.

Present—Not Voting.

DeBerry.

Absent—Excused.

Beck.	Fellbaum.
Cousins.	Woodul.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time.

Senator Purl moved to re-commit the bill to the Committee on Civil Jurisprudence.

Senator Hornsby moved to table the motion. The motion to table was lost.

The motion to re-commit prevailed.

Senate Bill No. 39.

The Chair laid before the Senate on its second reading as special order the following bill:

By Senator Moore:

S. B. No. 39, A bill to be entitled "An Act defining primary and secondary highways; designating highways so defined, directing the State Highway Commission to complete construction of said designated highways in their order; limiting the designation of primary and secondary highways; and declaring an emergency."

Read second time.

Senator Moore sent up the following substitute for the committee amendment:

Substitute for Committee Amendment.

Amend S. B. No. 39, by adding a new paragraph after Section 2, which shall read as follows:

Provided that where application has been made and the records of such application have been on file with the Commission for a period of twelve (12) months or longer, and whether or not a designation has been actually or tentatively made under such records, the State Highway Commission is hereby empowered to designate such as a Class "A" Secondary Highway as defined in paragraph 3 of Section 1 of this Act.

MOORE.

Read and adopted.

The committee amendment as substituted was adopted.

Senator Moore sent up the following amendments:

Amend S. B. No. 39 as follows:

By adding at the end of lines 21 and 24 the following: Provided that the latest maps on file with the State Highway Department at the time of passage of this Act shall be designated as Exhibit No. 1, and are hereby adopted as the official maps.

MOORE.

Read and adopted.

Amend S. B. No. 39 as follows:

By adding at the end of lines 28 and 34 the following: Provided, that the latest maps on file with the State Highway Department at the time of passage of this Act shall be designated as Exhibit No. 2, and are hereby adopted as the official maps.

MOORE.

Read and adopted.

Amend S. B. No. 39 as follows:

By adding between lines 12 and 13, page 2, the following:

"No part of the funds provided for State Highway Commission shall be expended upon secondary highways, unless and until all primary highways as designated by map referred to in Subdivision B of Section 2 have actually been completed and are usable from State line to State line; except secondary highways to complete primary highways, as defined above.

"That the Highway Commission shall not have authority to construct highways for the relief of

traffic on primary highways unless such relief highways shall commence within a distance of one mile from an established incorporated city of over 500 population on an existing primary highway, and then such relief highways shall lead to a destination point by traversing as many small communities as it is possible to include, and such course shall be followed although the completed highway may result in a distance that is 10% longer than the shortest lines between the beginning point of the primary highway and the destination."

MOORE.

The amendment was read.

Senator Purl moved to table the amendment. The motion prevailed.

Senator Moore sent up the following amendment:

Amend S. B. No. 39 as follows: Amend caption to conform to the body of the bill.

MOORE.

Read and adopted.

Senator Pace raised the point of order that a quorum was lacking. The roll call showed 15 present.

Senator Purl moved a call of the Senate for the purpose of obtaining and maintaining a quorum until 5:30 o'clock p. m. today. The motion prevailed.

Senator DeBerry moved that all Senators in Austin and not excused be brought into the Senate.

Senator Pace moved to recess until 9:30 o'clock tomorrow morning. The motion was lost.

Senator Pace moved to recess until 9 o'clock tomorrow morning. The motion was lost.

Senator Greer addressed the Senate on a point of personal privilege, by unanimous consent.

By unanimous consent, the members of the Investigating Committee appointed this morning were excused from the call.

Senator Pace moved to recess until 10 o'clock tomorrow morning.

Senator Greer moved to recess until 9:45 o'clock tomorrow morning.

Senator Purl moved to recess until 7:30 o'clock tonight.

The motion to recess until 10 o'clock tomorrow was lost.

The motion to recess until 9:45 o'clock tomorrow was lost.

Senator Purl withdrew his motion to recess until tonight.

By unanimous consent, the Senate, at 4:20 o'clock p. m., stood at ease subject to the call of the Chair.

Recess.

The Senate was called to order at 4:32 o'clock p. m.

Senator Woodward moved to recess until 10 o'clock tomorrow morning. The motion prevailed by the following vote:

Yeas—12.

Collie.	Parr.
Duggan.	Poage.
Fellbaum.	Sanderford.
Greer.	Small.
Neal.	Stone.
Pace.	Woodward.

Nays—7.

DeBerry.	Murphy.
Holbrook.	Purl.
Hornsby.	Rawlings.
Moore.	

Absent.

Blackert.	Redditt.
Hopkins.	Regan.
Martin.	Russek.
Oneal.	Woodruff.
Patton.	

Absent—Excused.

Beck.	Woodul.
Cousins.	

At 4:35 o'clock p. m., the Senate recessed.

APPENDIX.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, April 25, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 526 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, April 25, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No.

16 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, April 25, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 530, A bill to be entitled "An Act exempting all male persons not otherwise exempt between the ages of twenty-one and forty-five years residing in Burnet County from the performance of road duty, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, April 25, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 533, A bill to be entitled "An Act to amend Subsection 5, of Section 12, of H. B. No. 3, passed by the Regular Session of the Forty-third Legislature, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RAWLINGS, Chairman.

Committee Room,

Austin, Texas, April 24, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

H. J. R. No. 32, Proposing an amendment to Section 1a, Article VIII, of the Constitution of the State of Texas, exempting three thousand (\$3,000.00) dollars of the assessed taxable value of all residence homesteads as now defined by law from all taxation for all State purposes, excepting, until the expiration of such remission period or the need of such remission, that portion of the State ad valorem taxes remitted within

certain counties and political subdivisions now receiving a remission of such taxes; providing for submission of same to the qualified electors of the State; providing for the necessary proclamation and making an appropriation to defray the expenses of the proclamation, publication and election.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendment, and be not printed.

ONEAL, Chairman.

Committee Amendment.

Amend H. J. R. No. 32 by striking out the words "first Tuesday after the first Monday in July, in Section 2, lines 2 and 3, and insert in lieu thereof the following:

"Fourth Saturday in August."

Committee Room,

Austin, Texas, April 24, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 884, A bill to be entitled "An Act providing for an open season on squirrels in Liberty and Hardin Counties; providing a penalty, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, April 24, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 882, A bill to be entitled "An Act providing for open season for the taking and killing of squirrels in Kaufman County, Texas, during the months of October, November, and December of each year; providing penalties, and repealing laws in conflict herewith."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, April 25, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

H. B. No. 670, A bill to be entitled "An Act providing for the issuance of licenses for life, health and accident insurance agents and the cancellation thereof; regulating the conduct of persons and companies with reference to acting as, and through, life, health, and accident insurance agents; providing penalties, repealing laws in conflict, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PURL, Chairman.

Committee Room,

Austin, Texas, April 25, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 409, A bill to be entitled "An Act providing for rules attacking the credibility of witnesses in civil and criminal cases by showing connection with crime, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, April 25, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 348, A bill to be entitled "An Act to amend Article 1738, Revised Civil Statutes of Texas 1925 (as amended by the Acts of 1927, Fortieth Legislature, First Called Session, p. 148, Ch. 51, Sec. 1) so as to provide that the equalization of the business of the Courts of Civil Appeals shall be made by the Supreme Court as of the close of business in said Courts of Civil Appeals on December 31st and May 31st of each year, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, April 25, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 333, A bill to be entitled "An Act amending Article 2020 of the Revised Civil Statutes 1925 with respect to the record in causes where a plea of privilege is sustained, providing for severable causes and requiring amended pleadings to conform to Court's ruling and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, April 25, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 531, A bill to be entitled "An Act amending Article 6674-n, Revised Civil Statutes of 1925, as amended by Chapter 10, Acts of the Third Called Session of the Forty-first Legislature, and Chapter 79, Acts of the Fifth Called Session of the Forty-first Legislature, so as to authorize the State Highway Commission or the commissioners court to condemn land not more than one hundred feet in width for stream-bed diversion in connection with the locating, relocating or construction of a designated State highway; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, April 25, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 710, A bill to be entitled "An Act providing chattel mortgages given as security for money advanced to purchase motor vehicles when registered as required by law, will be superior to the claim of other creditors, though the motor vehicle may be exposed for sale; providing such chattel mortgage shall be void under certain conditions, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODWARD, Chairman.

SIXTY-THIRD DAY—(Continued).

Senate Chamber,
Austin, Texas.
April 26, 1933.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Senate Bill No. 39.

The question recurred upon S. B. No. 39 (Primary and secondary highways).

The bill was passed to engrossment.

Senator DeBerry asked to be recorded as voting "No."

Senator Moore received unanimous consent to have the engrossed bill printed in the Journal.

Senator Moore moved to reconsider the vote by which the bill was passed to engrossment and spread the motion on the Journal.

Message From the Governor.

Executive Office,
Austin, Texas, April 24, 1933.
To the Forty-third Legislature:
Under existing law Thirty-two Thousand Six Hundred Dollars (\$32,600) was appropriated by the Legislature for the two years ending August 31, 1933, for the support and maintenance of the Department of Pardons and Paroles.

Since coming into office and observing the operation of the pardon law, I have decided that a material reduction in the appropriation for support of same can be had. Most of the pardons and paroles issued at

one time or another come through the Secretary of State's office after being considered by the Executive Office. Therefore, I am submitting to you, as emergency legislation, the question of the passage of a law transferring the operation of the Department of Pardons and Paroles to the Secretary of State's office, and I am sure now that the work of the office can be more satisfactorily performed by a reorganization of that department under the following schedule:

	For year ending August 31, 1934	For year ending August 31, 1935
Pardon Clerk	\$2,400.00	\$2,400.00
One Stenographer	1,200.00	1,200.00
Telephone, Telegraph, Postage, office supplies and contingent	1,100.00	1,100.00
Traveling Expense	300.00	300.00
	<u>\$5,000.00</u>	<u>\$5,000.00</u>

If, in the wisdom of the Legislature in the line of usual economy now being planned, it is thought wise to transfer the Department of Pardons and Paroles to the Secretary of State's office, I am sure that for expenditure of the above amounts, a saving of Twenty-Two Thousand Six Hundred Dollars (\$22,600) can be accomplished without in any way impairing the efficiency of the work pertaining to pardons and paroles.

I am enclosing you herewith a bill prepared by the Secretary of State covering the question herewith submitted.

Respectfully,
MIRIAM A. FERGUSON,
Governor of Texas.

A BILL

To Be Entitled

An Act to amend Article 6203 of the Revised Civil Statutes of Texas as revised in 1925 and as amended at the First Called Session of the Forty-first Legislature of Texas on page 99 of the General Laws thereof, and providing for a change in the present system of recommending to the Governor of